



SURREY BOARD OF TRADE SUBMISSION TO BC GOVERNMENT ON THE PROPOSED HUMAN RIGHTS COMMISSION

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ABOUT THE SURREY BOARD OF TRADE

The Surrey Board of Trade represents 2,500 members and has over 6,000 business contacts with over 60,000 employees. We support business and bring business into Surrey. The purpose of the organization, on behalf of its members, is to advocate at all levels of government, facilitate networking opportunities, and provide cost-saving benefits and marketing opportunities. We are a not-for-profit organization with a common goal of furthering the interests of businesses in our region. We have demonstrated, through our leadership oriented projects and initiatives, a commitment to enhancing the local economy. Our membership is comprised of businesses in a variety of industry sectors of the economy of Surrey.

ABOUT THE PROPOSED HUMAN RIGHTS COMMISSION (HRC)

The Province is re-establishing the British Columbia Human Rights Commission. The purpose is for communities to be stronger for all British Columbians – no matter where they live or what they can afford – through access to effective human rights support. The Province wants to create a commission that is efficient, effective and equipped to protect, promote and defend human rights in British Columbia.

PREVIOUS CHALLENGES

When the HRC was disbanded in 2002, it was rife with delay and needless red tape. The gatekeeper mentality was strong and added significant time and money to a process already filled with tension and sensitivity. Since that time, the Human Rights Tribunal has done a reasonable job of responding (reacting) to complaints in a timely manner but the timelines must still be improved. Waiting anywhere from 2 days to 4 months for an acknowledgement is unacceptable – and this doesn't include even settlement or mediation meetings in advance of an actual review or presentation at Tribunal.

WHY HUMAN RIGHTS MATTER TO BUSINESS

Human rights matters to business because governments, customers and the wider public expect businesses to protect people's rights. Globally, we are no longer asking whether businesses have a responsibility to respect human rights – that's a given. Now, the business community is asking what that responsibility means in practice: in specific places, industries and contexts.

The focus is on how businesses can most effectively meet their responsibilities in their day-to-day operations. Businesses can show what steps they are taking to protect people's rights.

At a minimum this means meeting fundamental responsibilities in the areas of human rights, labour, environment and anti-corruption. All employers have a responsibility to make sure that their employees, and people who apply for a job with them, are treated fairly.

There are opportunities for business to work and partner with the Human Rights Commission to provide education and leadership models to promote diversity and prevent discrimination in the workplace. These can include:

- practical steps to create a fair a productive workplace;
- what to include in a workplace discrimination and harassment policy;
- how to ensure a fair and equitable recruitment process;
- what the terms bullying, harassment and discrimination mean;
- how the law applies to employees based on age, sex, pregnancy, family responsibilities, disability, race, sexual orientation and gender identity and other characteristics;
- which discrimination laws apply to the workplace;
- when you could be liable if discrimination or harassment occur in the workplace, and
- what to do if an employee makes a complaint of discrimination or harassment.

The business and human rights agenda has evolved significantly in recent years, and there is now global recognition that business can be a vehicle for the promotion and realization of human rights.. governments have the primary duty to protect and promote human rights, businesses have a distinct responsibility to respect human rights, essentially a ‘do no harm’ standard.

Businesses can also play a key role in advancing human rights within their organizations and the wider community. For example, businesses that seek to accelerate gender equality through setting targets or adopting special measures, or promote human rights within the community through education and awareness raising activities.

Many businesses are demonstrating their willingness and commitment to the rights of Indigenous People – this is another opportunity. Surrey has the highest urban aboriginal population in B.C.

OPPORTUNITIES & PERSPECTIVES FROM BUSINESS:

1. INCREASING CLARITY: The elements of proactive outreach and education have been lost without a Human Rights Commission. Professionals or advocates on behalf of claimants are forced to refer to other provincial bodies (Ontario Commission) or to the Canadian HRC. Claimants or potential claimants are left to figure it out or to pay for costly legal representation. There is also confusion around what constitutes a valid claim, what is applicable under other legislation, and what is simply an unreasonable claim or expectation. All areas require intervention.

2. WHEN TO MAKE A CLAIM: Where limited gatekeeping has merit, is with the vetting of the initial claim or in the strengthening of the actual application process. Currently, it is quite easy to make a claim. Even for claims, which had no business being filed, were not of a Human Rights violation in nature, or which should have been filed with another organization (employment standards). Conversely, the cost to “undo” or to secure legal counsel to file an “Application to Dismiss” is lengthy, not easy, and ultimately expensive. These kinds of claims can be avoided through a more robust application process, simpler vetting/triage method, and better communication with the organizations more suited to review the claim.

3. EDUCATION AND OUTREACH: As it relates to the workforce: an educated employee is a good employee. More must be done to proactively reach out to the emerging workforce (youth, women, newcomers) as well as existing workers, to ensure they are provided access to information, which will help them in understanding their actual rights, the process, and the appeal framework. In advance of a claim being submitted.

For employers, this includes exploring opportunities to remove the stigma and financial expenses around creating safe, inclusive workplaces, which are (to the extent possible) aware of their responsibilities under the BCHRCODE. There is great opportunity in showcasing the value of prevention and education vs. the cost and time required to administratively and humanistically proceed through a claim. In addition, the systemic or structural violations that have been part of many organizations must be addressed, either through incentive to change behaviour or through penalty for non-compliance. For example, actively choosing to employ a diverse workforce.

4. TRAINING: Post-secondary relationships are critical to achieving both the workforce and workplace initiatives. Courses for students about Human Rights, for HR Practitioners around managing the Human Rights and related legislation, etc, as well as for employers on obligations when it comes to recruitment practices, promotions, dismissals/retirements, accommodations, and having policies/procedures in place to both train and respond to claims internally.

5. PARTNERSHIPS & CONNECTIONS: There is an opportunity for the HRC to take a leading role in developing strategic partnerships and creating connections amongst providers, supporters, and other related organizations, including business organizations like the Surrey Board of Trade. To consider best practices globally, but to implement local tactics which are relative to our Province – and binding in our jurisdiction. Affiliations with (with the Surrey Board of Trade for example) provide access to large target groups of both employers and employees, as well as to business owners.

Thank you for the opportunity to provide the Surrey Board of Trade the opportunity to provide comment on the proposed Human Rights Commission in B.C. We ask that business not be left out of the equation.

Sincerely,

Anita Huberman
CEO, Surrey Board of Trade